

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

1473219 ONTARIO LIMITED,

Plaintiff,

Case No. 12-10540

v.

Hon. John Corbett O'Meara

ALTERNATIVE AVIATION SERVICES, INC.,
and JOHN R. SHIRK,

Defendants.

**ORDER GRANTING MOTION
FOR STAY PENDING APPEAL**

Before the court is Defendants' motion for a stay pending appeal. On January 15, 2013, Magistrate Judge Hluchaniuk entered an order denying Plaintiffs' motion for possession of aircraft. Defendants have completed substantial work in the amount of \$400,000 on Plaintiff's aircraft and are holding it pending payment for their services. The magistrate judge concluded that Defendants properly held the aircraft pursuant to a possessory lien and that Plaintiff was not entitled to immediate possession. However, the magistrate judge concluded that if Plaintiff posted a bond in the amount of \$40,000, it could obtain possession pursuant to M.C.L. 259.205a.

Defendants filed objections to the magistrate's order, which the court overruled on May 23, 2013. The court entered an order for release of the aircraft on June 4, 2013. Defendants filed an appeal on June 13, 2013, and then filed the pending motion for stay pursuant to Fed. R. Civ. P. 62(c).

In light of all the circumstances, the court finds that a stay of the order for release of

aircraft is appropriate. Defendants' appeal raises a substantial legal issue as to whether the posting of a bond is appropriate under M.C.L. 259.205a; release of the aircraft to Plaintiff may result in it being transported to Canada, outside the court's jurisdiction; and the posted bond is substantially less than the alleged amount due for Defendants' services.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for stay [Docket No. 62] is GRANTED.

s/John Corbett O'Meara
United States District Judge

Date: August 21, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 21, 2013, using the ECF system.

s/William Barkholz
Case Manager